

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CARMEN LA DON DAVIDSON,

Plaintiff,

Case No. 11-12251  
HON. GEORGE CARAM STEEH

vs.

ERICKSON RETIREMENT COMMUNITIES, et al.,

Defendants.

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ORDER DISMISSING ACTION

On May 24, 2011, plaintiff filed the instant action alleging that defendants violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., when she was wrongfully terminated from her employment at defendant Fox Run Retirement Community. Defendants have filed a motion to dismiss plaintiff's complaint as untimely under 42 U.S.C. § 2000e-5(f)(1) because plaintiff did not bring the present action within ninety (90) days of the Equal Employment Opportunity Commission's (EEOC) Notice of Suit Rights. The court agrees that plaintiff's complaint is subject to dismissal for her failure to timely bring this action.

42 U.S.C. § 2000e-5(f)(1) requires that a plaintiff file his or her Title VII complaint "within ninety days after the right-to-sue notice is actually received." Peete v. American Standard Graphic, 885 F. 2d 331, 331-32 (6th Cir. 1989). Plaintiff admits in her response that she received a Notice of Suit Rights from the EEOC on September 2, 2009. See Plf.'s

Resp. at 12; see also, Defs.' Mot., Ex. 2. Plaintiff filed the instant action on May 24, 2011, well beyond the ninety (90) day deadline for bringing suit.

The court cannot excuse plaintiff's failure to timely file this action based on her inability to find counsel, nor due to her grief over her brother's murder in May of 2008. See Steiner v. Henderson, 354 F. 3d 432, 438 (6th Cir. 2003). "Procedural requirements established by Congress for gaining access to the federal courts are not to be disregarded by courts out of a vague sympathy for particular litigants." Baldwin County Welcome Ctr. v. Brown, 466 U.S. 147, 152 (1984).

Accordingly,

Plaintiff's complaint is dismissed.

SO ORDERED.

Dated: September 20, 2011

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 20, 2011, by electronic and/or ordinary mail and also to Carmen La Don Davidson, 29460 Lee Moor Drive, Southfield, MI 48076

S/Josephine Chaffee  
Deputy Clerk